

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

MINUTES

**Pender County Planning Board Meeting
August 2, 2011 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Boney called meeting to order at 7:00 pm.

Roll Call: Chairman Boney

Pender County Planning Board Members:

Boney: Edens: Garrett: Marshburn: Millette: Smith: Williams:

- 1. Adoption of the Agenda:** Board member Williams made the motion to approve the agenda; seconded by Board member Marshburn. The vote was unanimous.
- 2. Approval of Minutes:** Board member Marshburn made the motion to approve the minutes from the July 12, 2011 meeting; seconded by Board member Edens. The vote was unanimous.
- 3. Public Comment:** Chairman Boney opened the floor to public comment; floor was closed due to no public comment.

(Public Hearing Opened)

- 4. Master Development Plan:** Bailey & Fuller, LLC, applicant, on behalf of Jesse F. Lea, Sr., owner, is requesting approval of a master development plan for an eight unit commercial building on approximately 3.42 acres. The proposed project is located along the west side of US Highway 17 between 15395 US Highway 17 and 15489 US Highway 17. The property is zoned GB, General Business and may be identified as PIN 3293-10-3358-0000. Director Breuer presented the case and gave background information; Director Breuer stated that Robert Vause, District Engineer for NC DOT, was in attendance and would be available to answer any questions regarding the driveway permitting process. Chairman Boney requested to hear from the applicant. Charles Cazier, Intracoastal Engineering, on behalf of the applicant, Chris Bailey, stated that the project was designed based on the zoning of the property and the only reason the Master Development plan was before the Board was due to a collector street, that the applicant was still in the process of working with adjacent property owners and NC DOT regarding a collector street and shared driveways. Chairman Boney asked if Mr. Cazier could give a brief description of what had been discussed with adjacent property owners; Mr. Cazier responded that he could not, but Mr. Bailey was present and able to answer any questions. Chris Bailey, applicant, stated to the Board that he was in discussions with members of the church regarding the possible closing of the driveway on US Hwy 17 and connecting with the proposed collector street; Mr. Bailey also stated that he is working with NC DOT to create a major intersection at the proposed development with the hopes of a traffic light. Robert Vause stated that at this time the NC DOT had not approved a driveway permit since the driveway design was still being reviewed; he also stated the proposed eastern most right turn only entrance would not change however; there may be changes to the proposed plans for the center lane of Hwy 17. Director Breuer asked the Board at what point during the driveway permit process would the

Board need the MDP brought back before them; Board members agreed that as long as the applicant worked with NC DOT and Planning staff to meet state and county requirements there would be no need for further review from Board members. Chairman Boney closed the floor to public comment so that Board members could have a discussion. Board member Garrett stated that he would like to see a final plan; Director Breuer responded that he would furnish the Board with a copy of the final plan. Board member Williams asked Trey Thurman, County Attorney, if he should recuse himself from the discussion since he was a member of Hampstead United Methodist Church (adjoining property) and the chairman of the Building Committee; Attorney Thurman asked Board member Williams if he had any financial interest with the church or if he felt his judgment would be impartial then the safe thing to do would be to recuse himself; Board member Williams responded that he had no financial ties with the church and that he felt no bias opinions on the matter at hand. Board member Millette commented that even if Board member Williams recuse himself from a vote, he should still be allowed to participate in the discussion; Chairman Boney stated that according to "Roberts Rules of Order", the most important thing was to let any possible conflict be known, which Board member Williams had done. Board member Williams responded that he felt comfortable with continuing on with the discussion.

Board member Garrett made the motion to approve the Master Development Plan with the condition that the applicant and DOT resolve all access issues to Pender County's satisfaction; seconded by Board member Smith. The vote was unanimous.

- 5. Ordinance Text Amendment:** Pender County, applicant, is requesting approval of an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending Sections: 3.10.1, 3.14.1.F, 4.6.3.A, 4.7.4, 4.14, 5.2.3, 5.3.2.C, 5.3.2.D, 5.3.8.A, 5.3.11.B-J, and Appendix A, with the creation of an additional Section 3.19, Section 5.3.11.K, and Section 5.3.11.L, as well as revising references in Articles 1-12 and Appendix A. Director Breuer presented and gave background information; Director Breuer stated that staff removed amendments for recreational vehicles at this time due to further discussion needed. Board member Garrett asked if all other language was the same as discussed; Director Breuer responded that all language was based on what had been discussed with the Board. Board member Williams suggested that in Section 5.3.11 Miscellaneous Uses; F. Private Residential Boating Facility item (2) No more than two (2) watercraft may be docked at one time per residential lot, be removed due to the ability to enforce.

Board member Garrett made the motion to approve the Ordinance Text Amendment with the removal of F (2) under section 5.3.11 Miscellaneous Uses; seconded by Board member Millette. The vote was unanimous.

(Public Hearing Closed)

6. Discussion Items:

a. Planning Staff:

- i. **Continued Discussion of standards for Recreational Vehicle Parks:** Director Breuer stated that staff needed further direction regarding required acreage in a recreational vehicle park that the previous recommended 3 acres was not consistent with the minimal required 5 acres for rezoning in a Mobile Home district, so staff was proposing to require the 3 acres along with a Special Use Permit in Rural Agriculture and General Business zoning districts and following approval applicants would be required to submit a Major Site Development Plan, which staff would process accordingly. After a brief discussion Chairman Boney asked staff if they had the direction they were looking for from the Board; Director Breuer responded that there

was enough direction to move forward with drafting the needed language for a Text Amendment.

- ii. **Non-Agenda Item:** Director Breuer stated that the Planning Department had received a request from Jim Teachey, property owner, to rezone 800 acres of his property from Planned Development back to Rural Agriculture, but since the property was part of an approved and undeveloped Master Development Plan, East Haven, staff was requesting direction from the Board on how to process the owner's request. After some discussion members agreed that they would like for staff to contact all applicants of the Master Development plan and have them submit in writing that the plans for East Haven no longer exist, then staff could proceed with the rezoning request.
- iii. **September Board meeting date:** Director Breuer suggested rescheduling the September 6, 2011 Planning Board meeting for September 13, 2011, due to the Labor Day holiday; Board members agreed with the rescheduling and stated they would each confirm the date with Director Breuer via email.

b. Planning Board Members: NONE

7. Adjournment: Meeting adjourned at 8:50 pm.